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Home (1948) Depart[redacted]

Ms SERIES.

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G.O. No. 2890

Dated 28 - 7 - 1948.

[Despatch Abstract.]

L . C . Q (Starred) - Officers authorised to carry out inspection of and investigations without search warrant - Questions answered - Papers recorded.

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LEGISLATIVE COUNCIL QUESTION No.147 (Starred)

Sri R. Suryanarayana Rao, M.L.C.

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Q U E S T I O N.

Will the Honourable the Home Minister be pleased to state:-

(a) the departments of Government whose officers are authorised to carry out inspections and investigations into private houses and premises without a search warrant; and

(b) from whom such authority is obtained before such inspections and investigations are conducted and on what sources of information is action taken?

HOME DEPARTMENT.

A N S W E R.

(a) Officers of the Police, Excise, Customs, Salt, Revenue, Prohibition, commercial Taxes, Forest, Civil Supplies, Public Health, Textiles, Industries and Electrical Engineering departments mentioned in Column 2 of the paper placed on the table of the House are authorised to carry out inspections and investigations without a search warrant.

(b) In most cases the officers carrying out the inspections and investigations are empowered to act on their own authority. The officers from whom such authority is obtained in the remaining cases are mentioned in column 3 of the paper placed on the table of the House. Action is taken suo moto by competant officers on information received from any source, prima facie reliable

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for SECRETARY TO GOVERNMENT.

To the Secretary to the Madras Legislature (Council Section)

(The above answer has been approved by the Hon'ble Dr.P. Subbarayan).

Home U.O. No.57490-J/47-42, dated 3rd January 1948.

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PAPER PLACED ON THE TABLE.

See ANSWER TO LEGISLATIVE COUNCIL QUESTION No. 147 (STARRED)

Provision of law. (1)	Rank of officers of the various departments who actually carry out the inspections and investigations without search warrants. (2)	The authority competent in each case to order searches. (3)
1. Section 165, Criminal Procedure Code.	Officer in charge of a police station or a police officer making an investigation.	Can act by himself.
2. Section 26 of the Madras City Police Act.	Any police officer above the rank of constable.	Do.
3. Section 33 of the Madras City Police Act.	Do	Do.
4. Section 14 of the Opium Act.	Any officer of the Excise, Police, Customs, Salt, Opium or Revenue department superior in rank to a peon or constable who may in right of his office be authorized by the Provincial Govtn-ment in this behalf.	Do.
5. Rule 106 of the Explosives Rules, 1940.	The Chief Inspector and Inspectors of Explosives. All District Magistrates. All Stipendiary Magistrates subordinate to District Magistrates. All commissioners of Police and all Police officers of rank not below that of an Inspector in Presidency towns. All Police officers of rank not below that of Sub-Inspector in the respective areas over which their authority extends.	Do.
6. Section 31 of the Madras Abkari Act.	Commissioner or a Collector or any Abkari or Police officer not below the rank of Sub-Inspector or a Police station officer.	Do.
7. Section 32 of the Madras Abkari Act.	Commissioner or Collector. Any Abkari officer not below the rank of Sub-Inspector, any Police officer duly empowered in that behalf.	Do.
8. Section 47 of the Madras Salt Act.	Any officer of the Salt or Customs departments empowered by the Central Board of Revenue, any officer of the Police, Land Revenue, ~~any~~ or Abkari departments empowered by the Central Board of Revenue with the approval of the Provincial Government.	Do.
9. Section 48 of the Madras Salt Act.	Head of a village	Do.
10. Section 7-A (1) of the Prevention of cruelty to Animals Act.	A Police officer not below the rank of Sub-Inspector.	Do.

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(1)	(2)	(3)
11. Section 7-A (2) of the Prevention of Cruelty to Animals Act.	A Police Officer not below the rank of a Sub-Inspector, or any person specially authorised by the Provincial Government in this behalf.	Do.
12. Section 8 of the Prevention of Cruelty to Animals Act.	A Magistrate of the first or second class, Presidency Magistrate, Subdivisional Magistrate, Commissioner of Police or District Superintendent of Police may be himself or by his warrant authorised any Police officer not below the rank of Sub-Inspector.	A Magistrate of the first or second class, Presidency Magistrate, subdivisional Magistrate, Commissioner of Police or District Superintendent of Police may by his warrant authorize any Police Officer not below the rank of Sub-Inspector to enter and search.
13. Rule 11 of the Rules under the Poisons Act.	Any Magistrate, any Police officer of or above the rank of Sub-Inspector, any revenue officer of or above the rank of Deputy Tahsildar or any Medical Officer of or above the rank of Sub-Assistant Surgeon or any Health Officer of or above the rank of Health Inspector.	Can act by himself.
14. Clause 7 of the Kerosene (Duties) Order, 1922.	The Collector or any other officer duly appointed by the Provincial Government in this behalf.	Do.
15. Section 11 (2) of the Indian Offical Secrets Act.	Any Police officer	Police officer not below the rank of Superintendent by a written order under his hand.
16. Section 5(2) of the Madras Gaming Act.	Police officer not below the rank of Deputy Superintendent of Police having power to issue a warrant under section 5(1) of the Act.	Can act by himself.
17. Section 23(1) of the Dangerous Drugs Act.	Any officer of the Department of Excise, Police, Customs, Salt, Opium or Revenue, superior in rank to a peon or constable authorized in this behalf by the Provincial Government.	Do.
18. Section 14 of the Madras Suppersion of Immoral Traffic Act.	Any Police officer not below the rank of Inspector and any other Police officer authorized in this behalf in writing by the Commissioner of Police or the Superintendent of Police by special order.	Do.
19. Section 22 of the Tea Districts Emigrant Labour Act, 1932.	Civil Surgeon District Magistrate or the Subdivisional Magistrate, or any Magistrate; or Police officer not below the rank of Inspector deputed by the District Magistrate or Subdivisional Magistrate.	District Magistrate or Subdivisional Magistrate are empowered to depute any Magistrate or Police officer not below the rank of Inspector.

(1)	(2)	(3)
20. Rule 134 of the Indian Aircraft Rules, 1937.	Any person authorized by the Governor-General in Council by special or general order in writing in this behalf.	Can act by himself
21. Section 13 of the Petoleum Act.	Any officer authorised by the Central Government by name or by virtue of office.	Do.
22. Section 26 of the Petrolum Act.	Any officer authorised by name or by the virtue of office by the Central Government by notification in the official gazette.	Can ~~do~~ Act by himself
23. Rule 29 of the Rules under the Madras Livestock Improvement Act.	Licensing officer or person authorized by him in this behalf.	Do.
24. Section 9 of Madras Sales of Motor Spirit Taxation Act.	Any officer authorized by the Provincial Government.	Do.
25. Section 14 of the Madras Sales of Motor Spirit Taxation Act.	Do.	Do.
26. Section 14 of the Madras General Sales Tax Act.	Such officers as are authorized by the Government.	Do.
27. Section 7(1) of the Madras Prevention of Adulteration Act. 1918-	Local Executive Officer, Municipal Health Officers, Panchayat Health Officers, District Health Officers, Health Inspectors and Sanitary Inspectors.	Health Officers may empower their subordinates, viz Health Inspector and Sanitary Inspectors to exercise such powers.
28. Section 112 of the Public Health Act.	Health Officer.	Can act by himself.
29. Section 29 of the Madras Prohibition Act.	A Collector, any Prohibition officer not below such rank as the Provincial Government may determine, any Police officer not below the rank of Sub-Inspector, any officer in charge of a Police station or any other paid or honorary officer authorized by the Provincial Government in that behalf.	Do.
30. Section 27(c) of the Madras Khadi Control Order.	Inspecting Officer.	Do.
31, Section 37(2)(j) of the Indian Electricity Act, 1910.	Chief Electrical Inspector to Government (by name) and his staff and officers of the Operating systems of the Government Electricity Department not below the rank of Supervisor, I Grade.	Chief Electrical Inspector.

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(1)	(2)	(3)
32. Rule 8 of the Madras Electricity Duty Rules.	Chief Electrical Inspector, Chief Accountant and Accountant in the office of the Chief Electrical Inspector.	Can act by himself.
33. Rule 20(3)(a) of the Indian Emigration Rules, 1923.	Gazetted Police Officers.	Do.
34. Rule 73(d) of the Indian Aircraft Rules.	Inspector of Accidents	Do.
35. Section 14 of the Petroleum Act.	Any officer authorized by name or by virtue of office by the Central Government by notification in the official gazette.	Do.

G.O.No. 4074, Development, dated 18th October 1945-- Issued under Defence of India Act and continued under Madras Act XIV of 1946.

36. Clause 5 of Notification No.IV in the above Government Order. Clause 4 of Notification No.V -- Orders regulating exports and imports of firewood and charcoal from and into the Province, and Clause 2 of Notification No. II-- 'Odai' firewood into charcoal, and Clause 2 of Notification No.VI-- Orders fixing the maximum wholesale prices in Chingleput District, and	Police and Excise officers of and above the rank of sub Inspector, officers of the Revenue department of and above the rank of Revenue Inspector, officers of the Forest department of and above the rank of Forester, officers of the Commercial Taxes department of and above the rank of Assistant Commercial Tax Officer.	Can do by themselves.
Clause 3 of Notification No. III Orders fixing the maximum retail prices of firewood in Madras City.	Police officers of and above the rank of Sub-Inspector, officers under the city Rationing Officer, Madras, of and above the rank of Checking Inspector and officers of the City Firewood Officer, Madras, of and above the rank of forester.	Do.
37. Clause 8 of G.O. No. 340 Food, dated 26th March 1947. Intensive procurement of Paddy, rice and millets order.	Any Revenue officer not below the rank of Revenue Inspector or Firka supply Officer or Rationing Officer (x) or any Police officer of the Anti-Corruption, (y) not below the rank of Sub.Inspector in the districts to which the order applies	.do. (x) Not below the rank of Assistant Rationing Officer. (y) Anti-black marketing Staff
38. The Madras Food grains Control Order 1947. G.O. Ms. No.1029 Food dated 15th September 1947 (Clause 7 of Order)	Any person authorized by the Govt. Officers of the Revenue Department not below the rank of Deputy Tahsildar officers of the Commercial Tax Department not below the rank of an Asst.Comml.Tax Officer and Police officers not below	

		the rank of a Sub-Inspector of the Anti Corruption and Anti Blackmarketing staff have been authorized so far.	do.
39.	The Madras Rice Mills Licensing Order 1947- G.O. Ms. No.635 Food and- dated 22nd May 1947. (Clause 6 of the Order)	Any person authorized by the Commissioner of Civil Supplies Madras, or by the Collector of the district and officers not below the rank of Sub-Inspector of the Anti Corruption and Anti Blackmarketing staff	The Commissioner of the Civil Supplies, Madras and the Collector of District concerned.
40.	The Madras Rationing Order 1947 G.O. No.1029 Food dated 15th September 1947 (Clause 22 (1) of the order)	Rationing Officers and Officers authorized by them	Rationing Officers can act by themselves they can authorized others also
41.	The Madras Kerosene Control order 1947 G.O. Ms. No. 365 Food dated 28th March 1947 (clause 19 of the order)	Commissioner of Civil Supplies, Madras, City Rationing Officer, Madras, and the Collectors concerned or any officer authorized by the Commissioner of Civil supplies the City Rationing Officer, Madras or the Collector concerned.	The Commissioner of Civil Supplies the City Rationing Officer Madras and the Collectors concerned can act themselves they can authorized others also.
42,	The Firewood Rationing Order 1946 (clause 14 (1) of the Madras Firewood rationing order)	The City Firewood rationing Officer and Assistant Firewood rationing Officers Madras City	Can act/themselves by

(True Copy/

Superintendent
Madras Record Office.

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